

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----	X	Via ECF
DONNA FEHN,	:	
	:	07 CIV. 8321 (WCC)
Plaintiff,	:	
-against-	:	
GROUP LONG TERM DISABILITY PLAN FOR	:	
EMPLOYEES OF JP MORGAN CHASE BANK, JP	:	
MORGAN CHASE BANK, as Plan Administrator,	:	
HARTFORD LIFE AND ACCIDENT INSURANCE	:	
COMPANY, as Administrator/Fiduciary of the Plan,	:	
KRISTA DUDECK, Individually, DANIEL BERTA,	:	
Individually, KARA MORETT, Individually, and	:	
DESMOND "Doe," Individually,	:	
Defendants.	:	
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**DISCLOSURES PURSUANT TO RULE 26(a)(1)**  
**OF THE FEDERAL RULES OF CIVIL PROCEDURE**

Defendants JPMorgan Chase Long-Term Disability Plan (erroneously named herein as "Group Long Term Disability Plan for Employees of JPMorgan Chase Bank"), JPMorgan Chase Bank, N.A., (erroneously named herein as "JPMorgan Chase Bank"), Krista Dudek (erroneously named herein as "Krista Dudeck"), Kara Morett and Daniel Berta (collectively, "JPMorgan Defendants"), by their attorneys, the JPMorgan Chase Legal & Compliance Department, Stacey L. Blecher, Assistant General Counsel, respectfully submit their disclosures pursuant to Rule 26(a)(1) of the Federal Rule of Civil Procedure as follows:

A. The name and, if known, the address and telephone number of individuals likely to have discoverable information relevant to disputed facts alleged with particularity in the pleadings:

Name	Address
Catharine Berliner	c/o JPMorgan Chase Legal & Compliance Department, 1 Chase Manhattan Plaza, 26th Floor, New York, New York 10081
Deborah Silverman	c/o JPMorgan Chase Legal & Compliance Department, 1 Chase Manhattan Plaza, 26th Floor, New York, New York 10081
Daniel Berta	c/o JPMorgan Chase Legal & Compliance Department, 1 Chase Manhattan Plaza, 26th Floor, New York, New York 10081
Krista Dudek	c/o JPMorgan Chase Legal & Compliance Department, 1 Chase Manhattan Plaza, 26th Floor, New York, New York 10081
Kara Morett	c/o JPMorgan Chase Legal & Compliance Department, 1 Chase Manhattan Plaza, 26th Floor, New York, New York 10081

Ms. Berliner and Ms. Silverman are likely to have knowledge of relevant JPMorgan Chase Bank, N.A. policies, plans, and programs pertaining to short-term and long-term disability benefits in effect during the relevant time period. The remaining individuals identified above are likely to have knowledge of Plaintiff's offer of re-employment, her return to employment in the fall of 2005 and/or some of the events referred to in Plaintiff's Complaint.

B. Documents, data compilations, and tangible things that are relevant to disputed facts alleged with particularity in the pleadings include:

- Plaintiff's employee records file, if any;
- Plaintiff's *accessHR* file, if any;
- Relevant documents and files, if any, maintained by any individual JPMorgan Chase Bank, N.A. manager or supervisor regarding Plaintiff;
- Relevant documents and files, if any, maintained by JPMorgan Chase Bank, N.A.'s Human Resources Department concerning Plaintiff;

- Relevant documents and files, if any, maintained by JPMorgan Chase Bank, N.A.'s Disability Management Services ("DMS") Department concerning Plaintiff;
- Relevant documents and files, if any, maintained by JPMorgan Chase Bank, N.A.'s Employee Relations Department concerning Plaintiff;
- Relevant JPMorgan Chase Bank, N.A. policies, plans, and programs, including, but not limited to, JPMorgan Chase's Disability Leave policy and Long-Term Disability Plan; and
- Relevant documentary communications, if any, whether in letter, memorandum, email, or other format.

C. Defendant JPMorgan Chase Bank, N.A. is seeking the following damages at this time from Plaintiff: \$29,329.51, plus interest, paid out erroneously to Plaintiff in short-term disability benefits. Relevant JPMorgan Chase Bank, N.A. policies, plans, and programs, including, but not limited to, JPMorgan Chase's Disability Leave policy, will be provided to Plaintiff in support of this counterclaim.

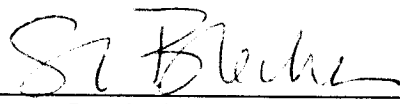
D. JPMorgan Defendants are investigating what, if any, insurance agreements may apply to Plaintiff's claims and will supplement their response as appropriate.

#### RESERVATION OF RIGHTS

JPMC Defendants hereby expressly reserve the right to use any documents which (i) are discovered and produced to Plaintiff at a later date; (ii) Plaintiff and/or Defendant Hartford Life & Accident Insurance Company produces to JPMC Defendants; and/or (iii) the parties may be ordered to produce or which may be obtained from third parties at a later date by subpoena or otherwise. JPMC Defendants further expressly reserve their right to rely upon additional documents for purposes of impeachment.

Dated: New York, New York  
February 8, 2008

**JPMorgan Chase Legal & Compliance  
Department**

By:   
Stacey L. Blecher, Esq.  
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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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DONNA FEHN,

Plaintiff,

-against-

GROUP LONG TERM DISABILITY PLAN FOR  
EMPLOYEES OF JP MORGAN CHASE BANK, JP  
MORGAN CHASE BANK, as Plan Administrator,  
HARTFORD LIFE AND ACCIDENT INSURANCE  
COMPANY, as Administrator/Fiduciary of the Plan, KRISTA  
DUDECK, Individually, DANIEL BERTA, Individually,  
KARA MORETT, Individually, and DESMOND "Doe,"  
Individually,

Defendants.  
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STATE OF NEW YORK )

) ss.:

COUNTY OF NEW YORK )

Vivian Patricia Falconi, being duly sworn, deposes and says, that deponent is not a party to the  
action, is over eighteen years of age and is employed by JPMorgan Chase Bank, N.A.

That on the 8<sup>th</sup> day of February, 2008 deponent served the within:

DISCLOSURES PURSUANT TO RULE 26(a)(1) OF THE FEDERAL  
RULES OF CIVIL PROCEDURE

To: Danie T. Driesen, Esq.  
Sapir & Frumkin LLP  
Attorneys for Plaintiff  
399 Knollwood Road, Suite 310  
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Michael Bernstein, Esq.  
Sedgwick, Detert, Moran & Arnold, LLP  
Attorneys for Defendant Hartford  
125 Broad Street, 39<sup>th</sup> Floor  
New York, New York 10004-2400  
[Michael.Bernstein@sdma.com](mailto:Michael.Bernstein@sdma.com)

by the address designated for that purpose by depositing a true copy of same enclosed in a postpaid properly  
addressed wrapper in an official depository under the exclusive care and custody of the United States Postal  
Service within the State of New York.

Sworn to before me this  
8<sup>th</sup> day of February, 2008

Stuart Radish  
Notary Public

STUART RADISH  
Notary Public, State of New York  
No. 01RA6115435  
Qualified in New York County  
Commission Expires September 7, 2008

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Vivian Patricia Falconi